

### REMARKS

In response to the Office Action dated July 21, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Various claims were rejected under the second paragraph of 35 U.S.C. §112, principally as lacking antecedent basis for certain claim terms. The Examiner is thanked for his careful review of the claims. In response thereto, the claims have been amended as appropriate, to remove the bases for the rejection.

It is noted that paragraph 11-15 indicate that various terms in claim 16 lack antecedent basis. It is respectfully submitted, however, that the identified terms are fully supported by claim 1, from which claim 16 depends. Specifically, "said composite signal" finds antecedent basis in subparagraph (e) of claim 1, "said sections" finds antecedent basis in subparagraph (b) and elsewhere throughout the claim, "said key" finds antecedent basis in subparagraph (d), "said at least one undistorted section" finds antecedent basis in subparagraph (e), and "said distorted section" find antecedent basis in subparagraph (e). Accordingly, it is respectfully submitted that no amendments to claim 16 are necessary.

Claims 1-5, 8-13 and 16-28 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the *Downs* patent (U.S. 6,226,618). It is respectfully submitted that the *Downs* patent neither anticipates, nor otherwise suggests, the subject matter of the claims.

In accordance with the claimed invention, the audio content of an audio signal is divided into sections, and one of these audio content sections is distorted by means of a key. This key is recoverable from another one of the sections. In rejecting the claims, the Office Action refers to the *Downs* patent's disclosure of a

metadata section and a content section in a secure container (SC), which it characterizes as sectioning a signal into at least two sections. Unlike the present invention, however, in which the key can be recovered from one of the audio content sections, the *Downs* patent discloses that its encrypted symmetric key is contained within the metadata SC (see col. 18, step 126). The metadata SC is distinct from the sections of the signal containing the content. See, for example, Figure 1a.

Accordingly, it is respectfully submitted that the *Downs* patent does not disclose the sectioning of the audio content of a signal into at least two sections, one of which is distorted and the other of which provides a key for removing the distortion. For at least this reason, therefore, it is respectfully submitted that the *Downs* patent does not anticipate the subject matter of the pending claims.

Claim 25 specifically recites that the section from which the key is obtained comprises an advertisement section. In rejecting this claim, the Office Action refers to the *Downs* patent disclosure of a "store advertisement object" at column 85, line 50. It is respectfully submitted that this disclosure does not suggest that the content signal contains an advertising section. Rather, this portion of the patent relates to the end user display, illustrated in Figure 15a. The patent does not disclose the source of this object, particularly whether it is part of the content signal.

Furthermore, even if the patent could be interpreted to suggest that the store advertisement object is transmitted as part of the content signal, there is no disclosure that a key for removing distortion of another section of the signal is obtainable from this object. Rather, as noted above, the *Downs* patent discloses that the encrypted key is contained within the metadata portion of the signal.

For similar reasons, the *Downs* patent does not disclose that a key for removing distortion is obtainable from a trial listening section of the audio signal, as recited in claim 26, or one of an advertisement section or a trial listening section, as recited in claim 27.

Other distinguishing features of the invention are recited in the dependent claims. In light of the differences identified above, it is believed that a detailed discussion of these other features is unnecessary at this time.

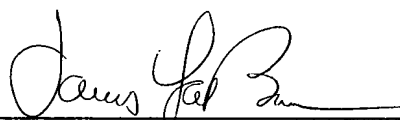
Reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 21, 2005

By: \_\_\_\_\_



James A. LaBarre  
Registration No. 28,632

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620